

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

[1] MARTHA DONELSON and [2] JOHN FRIEND,)
ON BEHALF OF THEMSELVES AND ON)
BEHALF OF ALL SIMILARLY SITUATED)
PERSONS,)

Plaintiffs,)

vs.)

Case No. 14-CV-316-JHP-FHM

[1] UNITED STATES OF AMERICA;)
DEPARTMENT OF INTERIOR; BUREAU OF)
INDIAN AFFAIRS; [2] DEVON ENERGY)
PRODUCTION COMPANY, L.P.,)
[3] CHAPARRAL ENERGY, LLC; [4] ENCANA)
OIL & GAS (USA), INC.; [5] PERFORMANCE)
ENERGY RESOURCES, LLC; [6] CEJA)
CORPORATION; [7] CEP MID-CONTINENT,)
LLC; [8] LINN ENERGY HOLDINGS, LLC;)
[9] SULLIVAN & COMPANY, LLC;)
[10] CARDINAL RIVER ENERGY I LP;)
[11] REVARO OIL & GAS PROPERTIES, INC.;)
[12] BLACK LAVA RESOURCES, LLC;)
[13] B & G OIL COMPANY; [14] ORION)
EXPLORATION, LLC; [15] NADEL AND)
GUSSMAN, LLC; [16] LAMAMCO DRILLING,)
LLC; [17] CLEAR MOUNTAIN PRODUCTION,)
LLC; [18] SHORT OIL, LLC; [19] WELLCO)
ENERGY, INC.; [20] RAM ENERGY)
RESOURCES, INC.; [21] MARCO OIL)
COMPANY, LLC; [22] BGI RESOURCES, LLC;)
[23] HALCON RESOURCES CORPORATION;)
[24] THE LINK OIL COMPANY; [25] OSAGE)
ENERGY RESOURCES, LLC; [26] TOOMEY OIL)
COMPANY, INC.; [27] KAISER-FRANCIS)
ANADARKO, LLC; [28] HELMER OIL CORP;)
[29] SPYGLASS ENERGY GROUP, LLC;)
AND ALL OTHER LESSEES AND OPERATORS)
AND OPERATORS WHO HAVE OBTAINED A)
CONCESSION AGREEMENT, LEASE OR)
DRILLING PERMIT APPROVED BY THE BIA IN)
OSAGE COUNTY IN VIOLATION OF NEPA,)

Defendants.)

**DEFENDANT CARDINAL RIVER ENERGY I LP'S MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED COMPLAINT AND BRIEF IN SUPPORT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 12(b)(7), Defendant Cardinal River Energy I LP ("Cardinal") requests that the Court dismiss Plaintiffs' First Amended Complaint (**Dkt. No. 46**).

I. ADOPTION OF PREVIOUSLY-FILED MOTIONS TO DISMISS

Pursuant to Fed. R. Civ. P. 10(c), and to avoid unnecessary repetition, Cardinal adopts and incorporates by reference the arguments and authorities presented to the Court in the Motions to Dismiss previously filed by Defendants B&G Oil Company and Wellco Energy, Inc. (**Dkt. No. 124**), Devon Energy Production Co., L.P. and Linn Energy Holdings, LLC (**Dkt. No. 136**), The Link Oil Company and Toomey Oil Company, Inc. (**Dkt. No. 137**), and Performance Energy Resources, LLC, Short Oil, LLC, Marco Oil Company, LLC, Osage Energy Resources, LLC, Helmer Oil Corp. and Clear Mountain Production, LLC (**Dkt. No. 138**).

II. PRAYER

Defendant Cardinal respectfully requests that the Court order the dismissal of Plaintiffs' First Amended Complaint, and grant Cardinal such attorney fees, costs, and other relief as the Court deems proper.

Dated: October 7, 2014

Respectfully submitted,

/s/James M. Chaney

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***ATTORNEYS FOR DEFENDANT,
CARDINAL RIVER ENERGY I LP***

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2014, I electronically transmitted the foregoing to the Clerk of Court using the ECF System and transmittal of a Notice of Electronic Filing to all persons who have entered their appearance as ECF registrants in this case.

/s/ James M. Chaney

James M. Chaney